

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

PABLO LOPEZ-CHAVEZ,

Plaintiff,

v.

ROBERT LAMPERT,

Defendant.

No. 03-1047-ST

OPINION AND ORDER

MOSMAN, J.,

Petitioner Pablo Lopez-Chavez seeks a writ of habeas corpus under 28 U.S.C. § 2254 alleging ineffective assistance of counsel. On February 28, 2006, Magistrate Judge Stewart issued a Findings and Recommendation ("F&R") (#59) recommending that the Corrected Amended Petition for Writ of Habeas Corpus (#40) be denied and the case dismissed with prejudice. Mr. Lopez-Chavez filed timely objections to the F&R and an alternative request for hearing, followed by a motion for leave to submit exhibit in support of objections (#64).

When either party objects to any portion of a magistrate judge's F&R, the district court must make a *de novo* determination of that portion of the magistrate judge's report. 28 U.S.C. § 636(b)(1)(B). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F & R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.2003).

As objections were filed to the F&R, I review the magistrate judge's findings *de novo* and find no error. Therefore the F&R (#59) is ADOPTED without modification and the amended petition (#40) is DISMISSED with prejudice. The motion for leave (#64) is DENIED.

IT IS SO ORDERED.

DATED this 27th day of June, 2006

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court